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15, 1980

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With concurrence of: _____

MEMORANDUM

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 Date 12-15-16

TO: ARA - Ambassador William G. Bowdler
 FROM: HA - Patricia M. Derian
 SUBJECT: Draft Memorandum for the President on
 the Results of the Inter-Agency Meeting
 on Argentina

I have carefully reviewed the draft memorandum and have discussed it with DAS Palmer and Patrick Flood, who represented HA at the Inter-Agency meeting. Our proposed revisions are indicated in the attached text.

My basic observation on the structure of the paper is that the steps proposed in sections 4 ("Military Relations") and 5 ("Other Cooperative Steps") need to be integrated with your mission to Argentina. It makes more sense to link such overtures as South Atlantic naval security consultations, global defense consultations, the agricultural cooperation agreement, the consular convention, and the tax treaty to the degree of progress you are able to achieve during your visit. To proceed with these steps independently would tend to reduce the leverage available to you during your visit. If you feel strongly, however, that we should set one or two initiatives in motion before your visit, I would advocate either the consular convention or the income tax treaty, leaving the others to be decided during your visit.

I remain very strongly opposed to reinstituting Argentine military instructors at the School of the Americas. This is too visible a step for us to take toward normal military-to-military relations now. Guest instructors from several countries were phased out only a year ago because of human rights policy concerns. To re-invite them now is not warranted by the present human rights situation and would wrongly signal to the Argentines that even more dramatic US moves toward military cooperation are in the offing. Moreover, it would certainly violate the spirit, if not the letter, of the Humphrey-Kennedy Amendment.

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My other principal recommendations are:

-- that all U.S. officials should participate in the human rights dialogue with their Argentine counterparts. The paper now seems to limit this to you and Ambassador Castro; I know that you share the view that broader participation increases the effectiveness of our human rights message, and I have proposed some editorial revisions to clarify this point.

fn10 [-- that we make very clear that we will not drop the subject of accounting for disappeared persons. This must remain a key element of our diplomatic approach. Otherwise the GOA will conclude that we're simply turned the page on this unresolved issue. Our sudden silence would come at a time when Latin American and Western European concern over the issue is mounting. We must continue to stress to the GOA the humanitarian realities involved and press them to utilize the new opportunities available through the UNHRC, ICRC, and possibly the Church. Bilateral support for the UNHRC will also give a boost to the concept of internationalizing responsibility for safeguarding human rights. We can make clear to the GOA that progress on this issue will enable the U.S. to move faster in strengthening bilateral cooperation than would otherwise be the case.

-- to include ending torture as a human rights objective.

-- that consultations with our Western European allies and Canada not be limited to the status quo, i.e. WEO Meetings in Geneva during the February-March UNHRC session, and the semi-annual NATO experts meetings in Brussels. We already do that. If we want to foster an Argentine "sense of identification with the West," why not involve the West more directly in the effort? If you are going to Buenos Aires to talk about, inter alia, East-West issues and human rights, we should encourage the Canadians and Western Europeans to have at least their resident ambassadors take up the same themes in a series of demarches to the GOA. We should probably first hold preliminary discussions with our Allies, perhaps in Brussels at the POLAD or ambassadorial level. We are not,

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incidentally, proposing Ministerial-level demarches, or restraints on arms transfers. We are talking about persuading our Allies to inject more human rights concerns into their dialogue with the Argentines. This can be linked with expressions of concern about the Soviet relationship, e.g., "Argentina's traditional community of interest with the West is based on human values not respected by the Soviets; the fullness of Argentine participation in the Western community, with the material and political benefits flowing therefrom, can be promoted by improving human rights observance." We already consult on human rights with most of our European allies and with Canada every time we decide to oppose an IFI loan. Expanding this consultative activity would not be a radical innovation.

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D R A F T

SECRET (Entire Text)

MEMORANDUM FOR: THE PRESIDENT

From: Warren D. Christopher

Subject: Steps to Improve U.S.-Argentine
Relations

Pursuant to your instructions, the Inter-Agency Group for the American Republics has prepared a plan of action for 1980, which I am submitting for your approval.

I. OBJECTIVES

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Our principal objective ^{to} will be improve our relation-
 ships so as to foster Argentina's identification with
to encourage further specific improvements in human rights practices
 the West; to seek assistance on appropriate East-West
 issues (e.g. grains); to foster increased sensitivity
 among Argentine leaders to global nonproliferation
 concerns; to encourage further specific

improvement in current human rights practices (e.g. due process for all persons suspected of subversion or terrorism); and thus to contain Soviet political and economic influence. We also wish to encourage continued Argentine cooperation with the Papal ⁱⁿMediation of Argentina's dispute with Chile over territorial limits in the Beagle Channel, a dispute that very nearly led to war between the two countries in late 1978. Finally, we wish to encourage Argentina to play a constructive role with respect to developments in Central America and in other Hemispheric issues.

II. ACTIONS FOR 1980

1. The Consultative Process

We will continue the process of political and economic consultations begun with General Goodpaster's visit to Buenos Aires in January. We contemplate:

--A visit by the Assistant Secretary for Inter-American Affairs to Buenos Aires, possibly about August 1.

--A meeting of the U.S.-Argentine Mixed Economic Commission in October, the U.S. delegation to be chaired by the Under Secretary of State for Economic Affairs.

--Periodic policy talks on global and hemispheric issues, with the first round of such talks to be held during the visit of the Assistant Secretary for Inter-American Affairs.

2. Nuclear Relations

We want to keep open the door for such cooperation as Argentina may desire for its nuclear program, as a way to maintain influence for the longer-term. In particular, we should try to meet our commitment to provide highly and moderately enriched fuel for Argentina's research program. We should:

--Try to resolve promptly, in accordance with U.S. law, the remaining safeguards issues to permit

delivery of the research fuel and the licensing of U.S. components;

--once this is done, undertake a review of the advisability of modifying U.S. policy to facilitate greater participation by U.S. industry in Argentina's nuclear program. (The principal case currently at issue is an export license permitting the sale of a high-pressure vessel for the Atucha II power reactor.)

3. Human Rights

We would continue the dialogue on human rights with Argentine leaders, *principally but not exclusively* through Ambassador Castro and during the visit by the Assistant Secretary for *Ambassador Bowdler* Inter-American Affairs. In these consultations we will attempt to obtain assurances that:

--the GOA will accept an OASGA resolution which encompasses a call for further improvements by Argentina and which maintains the integrity of the OAS Commission on Human rights;

--there be no new disappearances, (i.e., extra-legal abductions ^{EVEN} of persons ^{SA} suspected of association with terrorism or subversion, including persons believed to be active terrorists

--all persons suspected of terrorism or subversive ^{including any individuals whose detention has not yet been acknowledged by} activities, be processed through normal judicial channels, ^{and} thus ensuring due process to such detainees; and

--that steps be taken to halt torture of detainees; and

--there be substantial progress in advance of the OASGA, in reducing the number of political prisoners held without charges through release, trial, or exile (during his recent visit, Ambassador Smith was assured that half of these prisoners--1,300 at the time--would be released or sentenced by the end of the year).

The Inter-Agency Group noted that an accounting of the fate of disappeared persons was being addressed in UN fora, and concluded that ^{while this need not be} ~~this should not be~~ a central requirement for ^{an improvement in} ~~improving~~ our bilateral relationship, ~~but~~ we will continue to press the Argentine Government to provide information to the families of disappeared persons and to cooperate fully and seriously with the new UN Human Rights Commission Working Group and with the UNESCO human rights committee in resolving this issue.

~~It is~~ In addition to human rights discussion initiated by the ~~State~~ Ambassador and by Assistant Secretary Bowdler, other US officials including civilian and military officials will be instructed to raise or, as appropriate, refer to human rights concerns in their discussions with Argentine counterparts, and will be kept fully

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4. Military Relations

We will begin to rebuild relations through increased contact and consultations, while stressing that further progress on human rights will be essential to (the) any more fundamental improvement in ^{existing these} relations (including the possible ^{essential} modification of the Humphrey/Kennedy amendment ~~that is~~ as reported in the conclusions of the PRC meeting).

Depending on the outcome of Assistant Secretary Boardman's discussion in Buenos Aires, including progress on human rights issues, we would plan to:

--begin periodic security consultations with Argentina; the first round, to be held this year in Buenos Aires, would focus on Soviet activities in the South Atlantic;

--invite an Argentine Armed Forces team to make a return visit to Washington later in the year to discuss global defense issues;

--invite Argentina to send a guest instructor to the U.S. Army School of the Americas. (The Executive Branch will consult with members of Congress ^{before taking any action} on this sensitive initiative.) *(matter which, while perhaps technically legal, could be interpreted as conflicting with the spirit of the Humphrey-Kennedy Amendment.)* *The Bureau of Human Rights and Humanitarian Affairs strongly opposes reinitiation of Argentine military instruction at the School.*

Other issues are:

--High-Level Military Visit.

We will keep under review the desirability to proceed with an invitation to a senior Argentine military leader (such as the Commander-in-Chief of the Argentine Army or the Army Chief-of-Staff) to visit Washington this year. A final decision on this (including the question of timing) should take into account the implications of such a move on the selection of the next

Argentine president now under way within the Argentine Armed Forces, as well as ^{Continued improvements} ~~developments~~ in human rights ^{and} ~~advance~~ ^{and development in} U.S.-Argentine relations.

--Sale of P-3 Aircraft.

In DOD's view, there is a strategic need for the sale of ocean surveillance aircraft to the GOA. We see no possibility, however, to seek special legislation to permit the sale of these aircraft to Argentina this year.

5. Other Cooperative Steps

In addition, we would, *contingent upon the success of Assistant Secretary Roubicek's mission in furthering our human rights and other objectives:*

--Sign the pending U.S.-Argentine Agricultural Cooperation Agreement during the visit of the Assistant Secretary for InterAmerican Affairs;

--Seek to conclude the negotiations for the bilateral income tax treaty;

--Seek to negotiate a consular convention.

6. Consultations with Other Allies

The Inter-Agency Group also considered whether and in what form the Administration should consult ~~with the European allies and Canada~~ *our NATO allies* and Japan about issues of common concern such as human rights and recent Soviet initiatives toward Argentina and other countries in the Hemisphere.

We believe [recent Soviet activities are a] ^{these} subjects *should be discussed within the NATO forum as the 'Political-Military' Committee, for the NATO experts group on Latin*

e Permanent Council, and perhaps

as a prelude to diplomatic demands in Buenos Aires.

America, and should be addressed in that forum. Human rights are ^{also} discussed by the WEO group in the appropriate

UN fora, such as the UN Human Rights Commission, and we would continue this practice.

A majority of the Inter-Agency Group recommended against

[any] ^{high-level} new bilateral approaches to our Allies on these issues,

~~and to avoid the possibility of a bilateral approach to our Allies on these issues.~~ *preferring to hold exploratory talks in the NATO context.*

7. Implications for U.S. Policy Toward Brazil and Chile

The Group also considered the implications for neighboring countries, especially as regards security consultations.

As a general point, the Group noted that many of these steps will merely restore a better balance in U.S. relations with the two countries since the U.S. already has a comprehensive consultative process with Brazil (including, most recently, security consultations). There was agreement that Brazil would not respond favorably to a proposal for trilateral security talks at this time.

Not addressed by the Group, but a problem of some consequence, nonetheless, is the Chilean perception that we have "tilted" toward Argentina. Chile sees our warming relationship with Argentina as being directly threatening in the context of the Beagle Channel dispute. We have attempted to persuade the Chileans that what we are doing with Argentina has nothing to do with Chile or with our position on the Beagle Channel, which is to encourage acceptance of the outcome of Papal mediation and avoid war. However, the Chileans seem to fear that the Argentines, enjoying improved relations with the U.S., and seeing Chile increasingly isolated, will be encouraged toward adventurism. This problem of an imbalance in our relationships in the Southern Cone, and of the dangers that this could pose to peace in the region, will need to be looked to in the not-too-distant future.

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~~CONFIDENTIAL~~Attachment
Annex fGUIDELINES FOR ALL U.S. PERSONNEL STATIONED
IN OR VISITING ARGENTINA

- The status of human rights observance in Argentina remains a matter of deep concern to the U.S. Government. While the number of disappearances and of political prisoners declined during the past year, serious problems remain.
- Normal bilateral relations, which remain our long-term goal, will not be achieved while these problems remain.
- Key areas of concern include:
 - (1) Continued summary treatment of suspected terrorists, including their abduction, torture, and execution.
- Universally accepted standards of civilized behavior require that every individual be accorded a fair and open hearing before an impartial judicial tribunal, and a full opportunity for an adequate defense against any charges, no matter how grievous they are, before any punishment is imposed. These universal standards also provide that no person may be tortured for any reason.
- Even in wartime, international law establishes clear rules for the treatment of prisoners of war, and every civilized country has agreed to observe these rules in practice.
- The United States is deeply aware of the human suffering and tragedy caused by terrorist activity. We condemn terrorism and terrorist acts. At the same time, we maintain that one atrocity cannot ever justify another.
- Western European countries and the U.S. have successfully pursued methods to deal with terrorist activity which do not violate the values and principles upon which our societies are based, and from which states derive their legitimacy.
- We have taken note of the Argentine Government's assurances that steps have been taken to curb the practice of disappearances. We welcome this step. We believe very strongly that it should be totally eliminated for all categories of persons, however.

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(2) The approximately 1,300 persons still being held under executive detention, some of whom have been in custody for three or four years. All of these persons should be given a prompt and fair judicial hearing if there are charges against them. If there are no charges, they should be released or given the opportunity to leave the country under the right-of-option.

(3) The lack of positive response to appeals for information about the thousands of people who have disappeared in recent years. The families of the disappeared have a right to this information, as well as to access to any individuals being held secretly.

--We believe it is in Argentina's own national interest to devise and carry out such a plan.

--This could be accomplished through the new UN Human Rights Commission working group or perhaps through another intermediary.

(4) The independence of the judiciary. An independent judiciary whose rulings are respected by other branches of governments is essential for the return of the rule of law.

--An important first step in this direction would be positive Executive Branch response to habeas corpus petitions filed by relatives on behalf of disappeared persons.

--Another significant step would be civil court review of all military trials of civilians during the past four years.

(5) Continuing actions on freedom of expression, association, and assembly.

--Argentina progress on these matters will remove major impediments to the re-establishment of a more normal bilateral relationship. We are prepared to respond in various appropriate ways to Argentine actions in the human rights areas.

--(If asked): The nature, scope and timing of potential U.S. positive responses to Argentine human rights

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improvements will depend on the nature and pace of these improvements. This is in keeping with global U.S. human rights policy, which provides for appropriate adjustments in U.S. policy in response to human rights developments.

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Drafted:HA/HR:PJFlood:djh

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Argentina (1 of 4)